BEFORE THE LOK ADALATH
ORGANIZED BY THE KERALA HIGH COURT LEGAL SERVICES COMMITTEE

PRESENT :

THE HONOURABLE MR. JUSTICE T.V.RAMAKRISHNAN
(RETD.JUDGE, HIGH COURT OF KERALA)
&
THE HONOURABLE MR. JUSTICE C.S.RAJAN
(RETD.JUDGE, HIGH COURT OF KERALA)

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

OP.No. 19133 of 1997(C)

PETITIONER:

T.D.KOCHU NARAYANAN,
EX.PROPRIETOR, K.E.R. 3038,
CHOTTANIKKARA AMMA BUS SERVICE,
THERAPPALLY VEEDU,
P.O.MURINGOOR.

BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.V.J.MATHEW

RESPONDENTS:
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1. K.VIJAYAN @ KRISHNANKUTTY,
KUNNAMPILLI VEEDU,
KAVIL DESOM,
KODAKARA P.O.,
THRISSUR DISTRICT (DIED)

2. LABOUR COURT,
ERNAKULAM.

ADDL. 3. LEELAMMA, W/O.LATE K.VIJAYAM @
KRISHNANKUTTY, KUNNAMPILLI VEEDU,
KAVUMTHARA, KODAKARA.P.O.
THRISSUR DISTRICT.

4. UMA, D/O.LATE K.VIJAYAN @
KRISHNANKUTTY, KUNNAMPILLI VEEDU,
KAVUMTHARA, KODAKARA P.O.,
THRISSUR DISTRICT.

5. RAMA, D/O.LATE K.VIJAYAN @
KRISHNANKUTTY, KUNNAMPILLI VEEDU,
KAVUMTHARA, KODAKARA.P.O.,
THRISSUR DISTRICT.

6. RAMESAN, S/O.LATE K.VIJAYAN @
KRISHNANKUTTY, KUNNAMPILLI VEEDU,
KAVUMTHARA, KODAKARA P.O.,
THRISSUR DISTRICT.

(ADDITIONAL RESPONDENTS 3 TO 6 ARE IMPLEADED VIDE ORDER IN IA NO.16840/06 DT.7-12-06.)

BY ADV. SRI.P.RAMAKRISHNAN (FOR ADDL. R3 TO R5)

THIS ORIGINAL PETITION HAVING COME UP FOR DETERMINATION AT THE LOK ADALATH AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT:

ORDER ON IA NO.16841 OF 2006 IN OP NO.19133 OF 1997.

CLOSED.

SD/-
T.V.RAMAKRISHNAN (RETD. JUDGE)

SD/-
12.6.07. C.S.RAJAN (RETD. JUDGE)

APPENDIX

PETITIONER'S EXHIBITS:

EXT. PI: COPY OF THE G.O.(RT) NO.2709/90/LBR DATED 20-10-1990.

EXT. P2: COPY OF THE CLAIM STATEMENT SUBMITTED BY THE WORKMAN BEFORE THE LABOUR COURT DATED 14-2-1991.

EXT. P3: COPY OF THE REGISTERED LETTER SENT BY THE 1ST RESPONDENT TO THE PETITIONER DATED 27-3-1994.

EXT. P4: COPY OF THE CLAIM PETITION DATED DATED 31-3-95.

EXT. P5: COPY OF THE AWARD IN I.D. NO.211/90 DATED 20-10-93.

EXT. P6: COPY OF THE PETITION FILED BY THE PETITIONER DATED 8-5-95.

EXT. P7: COPY OF THE AFFIDAVIT FILED BY THE PETITIONER DATED 8-5-95.

EXT. P8: COPY OF THE OBJECTION FILED BY THE WORKMAN DATED 15-6-95.

EXT. P9: COPY OF THE ORDER IN M.P.135/95 IN I.D.211/90 DATED 13-11-1995.

EXT. P10: COPY OF THE OBJECTION FILED BY THE PETITIONER DATED 3-2-96.

EXT. P11: COPY OF THE ORDER IN C.P. NO.16/95 DATED 17.3.1997.

EXT. P12: COPY OF THE ORDER DT. 18-12-93.

EXT. P14: COPY OF THE DISCHARGE SUMMARY DATED 31-07-2001 ISSUED BY AMRITA HOSPITAL.

EXT. P15: COPY OF THE DISCHARGE SUMMARY CERTIFICATE DATED 29-07-2002 ISSUED BY AMRITA HOSPITAL.

EXT. P16: COPY OF THE DISCHARGE CERTIFICATE DATED 22-08-2003 ISSUED BY AMRITA HOSPITAL.

EXT. P17: COPY OF THE DISCHARGE CERTIFICATE DATED 05-04-2004 ISSUED BY AMRITA HOSPITAL.

EXT. P18: COPY OF THE DEATH CERTIFICATE DATED 25-07-2005 ISSUED BY MELUR GRAMA PANCHAYAT.

EXT. P19: COPY OF THE NOTICE OF ATTACHMENT NO.D5-24208/98 DATED 11-07-2006 ISSUED BY THE TAHSILDAR (REVENUE RECOVERY) MUKUNDAPURAM.

/TRUE COPY/

P.A. TO JUDGE

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JUSTICE T.V.RAMAKRISHNAN (RETD. JUDGE, HIGH COURT OF KERALA) &
JUSTICE C.S.RAJAN (RETD. JUDGE, HIGH COURT OF KERALA)

O.P. No. 19133 of 1997

Dated this the 12th day of June, 2007

AWARD

The dispute in this case arises out of the Industrial Dispute numbered as ID No.211 of 1990 before the Labour Court, Ernakulam. The petitioner in the OP is the petitioner in the ID and first respondent herein is the respondent therein. The first respondent is no more and his legal representatives have been impleaded as additional respondents 3 to 6. The petitioner and additional 6th respondent is present. Additional 6th respondent is authorised by additional respondents 3 to 5 to settle the dispute and take further follow actions on the basis of the settlement reached.

2. In the OP, the High Court has directed to the petitioner to deposit Rs.10,000/- each on two occasions, first by on 31.10.97 and second by on 5-2-99. Pursuant to the above orders, the petitioner has paid an amount of Rs.10,000/- to the deceased-first respondent and deposited another amount of Rs.10,000/- in the treasury in the name of District Labour Officer, Thrissur as evidenced by Treasury Challan, a photo copy of the same is produced by the petitioner before us. The parties have agreed to settle the matter on the following terms:

i) The additional 6th respondent will be entitled to withdraw the amount of Rs.10,000/- deposited in the name of the Labour Officer, Thrissur for and on behalf of all the additional respondents.

ii) The petitioner will pay a further amount of Rs.45,000/- on or before 15th August 2007 by way of draft payable at Kodakara in the name of additional 6th respondent-Sri.Ramesan, Kunnampilli Veedu, Kavumthara, Kodakara.P.O., Thrissur District.

iii) The additional 6th respondent will receive the draft on behalf of himself and additional respondents 3 to 5. Additional 6th respondent is authorised to take all necessary steps to withdraw the amount deposited in the name of labour officer in the treasury. The petitioner will render all necessary assistance to the 6th respondent to withdraw the amount if called upon to do so.

iv) On payment of the amount of Rs.45,000/- and receipt of Rs.10,000/- lying in deposit, the recovery proceedings initiated against the petitioner will stand vacated in the light of the settlement.

Settlement is recorded as above and the O.P. is disposed of as settled.

JUSTICE T.V.RAMAKRISHNAN
(RETD. JUDGE, HIGH COURT OF KERALA)

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JUSTICE C.S.RAJAN
(RETD. JUDGE, HIGH COURT OF KERALA)

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